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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,415	12/16/1999	BRYAN SEVERT HALLBERG		8841

47915 7590 07/27/2005

CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
 1600 ODS TOWER
 601 SW SECOND AVENUE
 PORTLAND, OR 97204

EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/465,415

Applicant(s)

HALLBERG ET AL.

Examiner

Vincent F. Boccio

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE & Amendment of 7/11/05.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Response to Arguments

1. Applicant's arguments with respect to amended claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claim 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (US 5,832,085) in view of Okuyama et al. (US 5,987,126).

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The examiner incorporates by reference the last detailed action against the claims 1, 2 & 4.

The claims as amended, the last action and art,

- fails to disclose or address, wherein the copying of the MPEG transport stream data to a DIF data block formatted for digital video and storing the DIF data blocks.

Okuyama teaches cols. 2-3, MPEG 2 transport stream, using a 1394 interface and converting to IEEE 1394 format for transfer further teaches, wherein a digital VCR has a format wherein one frame is recorded in 10 tracks, according to the SD standard, as defined by the reference, 135 video, 9 audio, 3 VAUX and 2 subcode, being 150 DIF blocks, being a digital VCR data structure format, col. 12, line 63 to col. 14 etc....., as taught by Okuyama.

Therefore it would have been obvious to those skilled in the art at the time of the invention to modify Inoue to convert the transport stream to the SD format for recording to a digital recorder or VCR {16 of Ohishi}, in a DIF block format to record and also to utilize the IEEE 1394 standard for the digital interface used, for the digital interfaces between, or DIFs 12 and 15 of {Ohishi Fig. 2}, as is obvious to those skilled in the art to conform to the know standards such as and including the SD standard for recording to a digital tape recorder, col. 2, a digital VHS {Ohishi col. 2}, as is obvious to conform to established digital recording format standards, as is obvious to those skilled in the art.

To further address claim 3 which is deemed to be analyzed and discussed with respect to the claims above, further, it would have been obvious to one skilled in the art at the time of the invention to modify Inoue, by utilizing the IEEE 1394 standard digital interface to copy or encapsulate the received MPEG transport stream, to transfer between the recorder and formatting element, in an isochronous manner, which, "isochronous transfer used in transfer of data of which real time must be guaranteed", such as video and audio data, as is known with respect to the 1394 standard, as is obvious to those skilled in the art.

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3. Claims 5-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Inoue et al. (US 5,832,085) and Okuyama (US 5,987,126), as applied, and further in view of Oskouy et al. (US 6,791,947).

The examiner incorporates by reference the last detailed action against the claims and renders the combination with Oskouy, further obvious with Oskouy, as previously applied with now with respect to claims 5-15.

4. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Inoue et al. (US 5,832,085) and Okuyama (US 5,987,126) as applied, in view of Yanagihara et al. (US 5,684,917).

The examiner incorporates by reference the last detailed action against the claims and further renders obvious the combination with Yanagihara, claims 16-17.

It is noted, claims 18-19 have not been amended, but, have been discussed with respect to the other amended claims further reciting the DIF block limitation and have also not been argued for the existing limitations, therefore the previous rejection is maintained, in view of no reason to change or modify or even allow these claims.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Inoue et al. (US 5,832,085) in view of Yanagihara et al. (US 5,684,917).
6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Inoue et al. (US 5,832,085) and Yanagihara et al. (US 5,684,917) in view of Takeda et al. (US 6,101,215).

The examiner incorporates by reference the last detailed action with respect to claims 18-19.

Contact Fax Information

Any response to this action should be faxed to:


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(571) 273-8300, for communication as intended for entry,
this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier
communications should be directed to the examiner of
record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00
PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
7/22/05


VINCENT BOCCIO
PRIMARY EXAMINER